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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 EDWARD DAVID JONES,

12 Plaintiff,

13 v.

14 MARIANA LOTERSTEIN, et al.,

15 Defendants.
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No. 2:22-CV-0639-DJC-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
18 42 U.S.C. § 1983. Pending before the Court are motions filed by Plaintiff. See ECF Nos. 36, 38,
19 42, and 49.¹

20 Plaintiff has filed a motion which has been docketed as “Motion for Production of
21 Transcripts.” ECF No. 36. The motion is filed on what appears to be a state court form for
22 requesting transcripts. See id. at 1. On this form, Plaintiff has checked boxes suggesting he is
23 requesting Clerk’s Transcripts, trial attorney case files, prosecution case files and discovery, and
24 documents related to sentencing proceedings. See id. Elsewhere in the filing, Plaintiff seems to
25 be attaching discovery requests which may or may not have been served on Defendants. See id.
26 at 8-21. In the proof of service associated with Plaintiff’s filing, Plaintiff states that he is serving
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28 ¹ Other pending motions filed by Plaintiff, ECF Nos. 59, 60, 63, and 65, will be addressed separately.

1 his “Production of Medical Records Documents. . . . R. 34 Discovery Motion (Medical Records);
2 Plaintiff Request Admissions to Staffers. . . .” Id. at 22. To the extent Plaintiff’s motion concerns
3 the sufficiency of Defendants’ responses to discovery requests, Plaintiff has not provided the
4 Court with Defendants’ responses.

5 Plaintiff has also filed a motion which has been docketed as “Motion to Compel.”
6 ECF No. 38. As with Plaintiff’s motion at ECF No. 36, the precise nature of the relief requested
7 is uncertain. The motion appears to seek discovery from Plaintiff’s central file, but the motion
8 does not describe any particular discovery requests or response thereto. Nor has Plaintiff
9 provided the Court with copies of any discovery requests or responses.

10 Given that the Court cannot discern any relief requested in these motions, they will
11 be denied.

12 Next, Plaintiff has filed a motion docketed as “Motion to Certify Class.” ECF No.
13 42. Plaintiff seeks an order referring this case to alternative dispute resolution (ADR). See id.
14 Prior to Plaintiff’s motion being filed, the matter was sua sponte referred for a settlement
15 conference under the Court’s Early ADR Program. See ECF No. 41. After Plaintiff’s motion
16 was filed, Defendants filed a motion to opt-out of participation in the Early ADR Program, see
17 ECF No. 46, which the Court granted, see ECF No. 48. Given that Defendants have not
18 consented to participation in settlement negotiations, Plaintiff’s motion will be denied without
19 prejudice to renewal as a joint request of the parties.

20 Finally, currently before the Court is Plaintiff’s motion at ECF No. 49. As with
21 Plaintiff’s other motions, the nature of the relief requested is not apparent. As best the Court can
22 discern, Plaintiff appears to seek conditional class certification for this action. See id. This
23 motion will be denied because a pro se litigant cannot appear in a civil action as representative of
24 a class of similarly situated plaintiffs. See Simon v. Hartford Life, Inc., 546 F.3d 661 (9th Cir.
25 2008).

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's motions at ECF Nos. 36 and 38 are DENIED for failure to articulate a request for relief.
2. Plaintiff's motion at ECF No. 42 is DENIED without prejudice to renewal as a joint request of the parties for referral of the matter to alternative dispute resolution.
3. Plaintiff's motion at ECF No. 49 seeking class certification is DENIED.

Dated: August 12, 2025



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE